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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:

PACIFIC THOMAS CORPORATION,  
dba PACIFIC THOMAS CAPITAL, dba  
SAFE STORAGE,

Debtor.

Case No. [16-cv-06443-MMC](#)

**ORDER RE: APPELLANT'S  
RESPONSE TO ORDER TO SHOW  
CAUSE; VACATING BRIEFING  
SCHEDULE**

By order filed December 9, 2016, the Court directed appellant Randall Whitney to show cause why the above-titled appeal should not be dismissed for failure to timely designate the record on appeal. On December 30, 2016, appellant, who proceeds pro se,<sup>1</sup> filed his "Response to an Order to Show Cause and Request Leave to Amend." Having read and considered appellant's filing, the Court rules as follows:

1. To the extent appellant seeks an extension of time to amend his response to the Court's order to show cause, the request is hereby DENIED; appellant, in his filing of December 30, 2016, has explained the reason for the above-referenced delay. The Court will defer ruling as to the sufficiency of such explanation pending appellees' reply, if any, to appellant's response, and, as set forth in the Court's order of December 9, 2016, said matter will stand submitted as of January 13, 2017.

2. To the extent appellant seeks an extension of time to file his opening brief, the Court finds good cause exists to grant such request, in light of appellant's stated effort to

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<sup>1</sup>The "Substitution of Counsel - Civil," filed December 27, 2016, by which appellant has substituted himself in place of Paul McCarthy, is hereby APPROVED.

1 retain new counsel to represent him in the instant appeal. Given the pendency of the  
2 order to show cause, however, the Court, rather than extend the deadline to file an  
3 opening brief to a specified date, hereby VACATES the present briefing schedule. (See  
4 Notice of Briefing, filed December 28, 2016.) The Court will reset the briefing schedule in  
5 the event the order to show cause is discharged.

6 **IT IS SO ORDERED.**

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8 Dated: January 5, 2017

*Maxine M. Chesney*  
9 MAXINE M. CHESNEY  
10 United States District Judge

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United States District Court  
Northern District of California